

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

CHERYL KATER and SUZIE KELLY,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

CHURCHILL DOWNS INCORPORATED, a
Kentucky corporation, and BIG FISH
GAMES, INC., a Washington corporation.

Defendants.

No. 15-cv-00612-RSL

DECLARATION OF TODD LOGAN

Noting Date: September 25, 2020

1 Pursuant to 28 U.S.C. § 1746, I declare and state as follows:

2 1. I am an attorney at Edelson PC, which has been retained to represent Plaintiffs in
3 the above-captioned matter. I am entering this declaration in support of Plaintiffs' Motion to
4 Compel Nonparty Amazon.com, Inc. To Produce Documents.

5 2. I have personal knowledge of the matters stated herein and, if called upon, I could
6 and would competently testify thereto.

7 3. I have personal knowledge indicating that the vast majority of Settlement Class
8 Members have never provided their contact information to Defendants, and instead have played
9 Defendants' social casinos anonymously, meaning that Defendants are unable to furnish a useful
10 Class List.

11 4. I have reached agreements with outside counsel for both Apple and Google, under
12 which those nonparties will produce all information they possess necessary to create the Class
13 List.

14 5. Beginning at least as early as July 27, 2020, I began meeting and conferring with
15 outside counsel for Amazon in an effort to persuade Amazon to informally produce the
16 information necessary to compile a class list.

17 6. After my extensive meet and confer efforts, Amazon: (1) refused to agree to
18 produce class member contact information to the Claims Administrator such that the Claims
19 Administrator could send notice; (2) insisted that it be allowed to send its own notice; and (3)
20 refused to produce Class Member in-app spending data (other than, on a per-request basis, for
21 Class Members who have previously filed claims).

22 7. After my meet and confer efforts with Amazon failed, Plaintiffs formally
23 subpoenaed Amazon for Class Member contact information and spending amounts.

24 8. Amazon's objections to Plaintiffs' September 1, 2020 subpoena are due
25 September 15, 2020, but Amazon's counsel has indicated to me that Amazon "plan[s] on
26 standing on [its] objections."
27

9. Google has requested to be reimbursed **\$125**—presumably a single hour’s work for a single employee—in each of two related cases, for its efforts complying with substantially similar subpoenas in those cases.

10. The Court has ordered notice of this settlement to be sent out on October 5, 2020. The settlement administrator needs to possess Amazon's information at least a few days in advance of the notice date to ensure that the data is appropriately formatted and to print all physical notices.

11. Attached hereto as Exhibit 1 is a true and accurate copy of the September 2, 2020 email from Molly Tullman to me, among other recipients.

12. Attached hereto as Exhibit 2 is a true and accurate copy of Plaintiffs' August 19, 2020 subpoena.

13. Attached hereto as Exhibit 3 is a true and accurate copy of Plaintiffs' September 1, 2020 subpoena.

14. Attached hereto as Exhibit 4 is a true and accurate copy of Amazon's objections to Plaintiffs' September 1, 2020 subpoena.

15. Attached hereto as Exhibit 5 is a true and accurate copy of the September 3, 2020 email from Molly Tullman to me, among other recipients.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on September 10, 2020 at San Francisco, California.

/s/ Todd Logan